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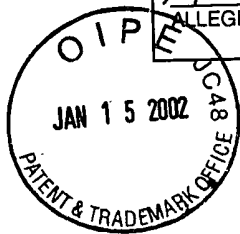
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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Diwu, et al**

Serial No.: **09/922,333**

Filing Date: **08/04/01**

Date: 11/05/01

For: **DERIVATIVES OF 1,2-DIHYDRO-7-HYDROXYQUINOLINES CONTAINING FUSED RINGS**

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Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with their duty of disclosure under 37 CFR §§ 1.97 and 1.56, Applicants hereby
disclose the following references.

US PATENTS

US Patent 5,750,409 Hermann, et al. (1998)
US Patent 5,936,087 Benson, et al. (1999)
US Patent 5,696,157 Wang, et al. (1997)
US Patent 5,227,487 Haugland, et al. (1993)
US Patent 6,130,101 to Mao, et al. (2000)
US Patent 4,945,171 Haugland, et al. (1990)
US Patent 5,714,327 Houthoff, et al. (1998)
US Patent 5,047,519 Hobbs, et al. (1991)
US Patent 4,711,955 Ward, et al. (1987)
US Patent 5,332,666 Prober, et al. (1994)
US Patent 5,171,534 Smith, et al. (1992)
US Patent 4,997,928 Hobbs, et al. (1991)
US Patent 5,567,588 Gold, et al. (1996)
US Patent 5,208,148 Haugland, et al. (1993)
US Patent 5,405,975 Kuhn, et al. (1995)
US Patent 5,453,517 Kuhn, et al. (1995)
US Patent 5,516,911 London, et al. (1996)

US Patent 5,049,613 Tsien, et al. (1991)
US Patent 5,648,270 Kuhn, et al. (1997)
US Patent 5,137,810 Sizemore, et al. (1992)

CO-PENDING APPLICATIONS

US 09/556,464 Haugland, et al. (2000)

FOREIGN PATENTS

European Patent EP O 330 444 Chen, et al (1989)
PCT Publication WO 94/05688 Mao et al (1994)

REFERENCES

Sauer, et al. J. FLUORESCENCE **5**, 247 (1995)
Gee, et al. TET. LETT. **37**, 7905 (1996)
AM. J. PHYSIOL. **256**, C540 (1989)
R., Haugland, MOLECULAR PROBES HANDBOOK OF FLUORESCENT PROBES AND
RESEARCH CHEMICALS, Chapters 1-3 (1996)
Brinkley, BIOCONJUGATE CHEM., **3**, 2 (1992)
Tsien et al. METH. ENZYM. **172**, 230 (1989)
Amlaiky et al., FEBS LETT **176**, 436 (1984)
Haugland et al. METH. MOL. BIOL. **45**, 205 (1995)
Haugland. METH. MOL. BIOL. **45**, 223 (1995)
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J. BIOL. CHEM. **257**, 13892 (1982)
PROC. NATL. ACAD. SCI. USA **75**, 4194 (1978)
Szoka, Jr. et al. (ANN. REV. BIOPHYS. BIOENG. **9**, 467 (1980)
Blankenfeld et al. J. NEUROSCI. METH. **36**, 309 (1991)

For the convenience of the Examiner, the references are listed on modified PTO Form 1449
(attached) and copies thereof are enclosed.

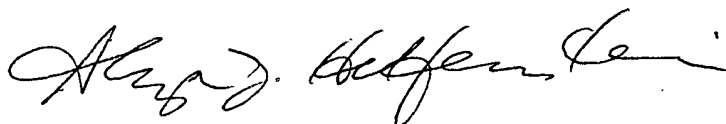
The referenced US Patent Nos. 5,936,087 and 5,750,409 and the article by Sauer, et al. describe
fluorescent dyes derived from rhodamine for use as labels in biological applications, where the dyes have
absorption and emission maxima beyond 600 nm. The references each describe dyes generally have 5
fused rings, but the references do not describe dyes that require both a fused ring incorporating a nitrogen
atom and an additional fused ring adjacent thereto, as is required for the dye compositions of Applicants.

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The remaining references listed above describe fluorescent dyes that are xanthene derivatives adapted for a particular purpose, or describe methods of synthesis for attaching a specific substituent that are useful for modifying the dyes of the invention, or describe general methods that can be adapted for use with a variety of fluorescent dyes, including dyes of the invention. The relevance of such references is described in the specification of the invention, where the reference is particularly cited therein.

In the event that there are any questions relating to this paper, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of the application may be expedited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Allegra Helfenstein".

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